

REMARKS

Claims 6, 7, 8, 10, 11, and 12 have been amended. Claims 2-4 and 6-12 are currently pending in the application.

On page 2 of the Office Action, claim 12 was rejected under 35 U.S.C. § 101 due to the claimed invention allegedly being directed to non-statutory subject matter.

In the Office Action, the Examiner rejected claim 12 under 35 USC § 101 for failure to satisfy a requirement that the claim(s) be directed to "technological arts". In the precedential decision of *Ex Parte Lundgren*, Appeal 2003--2088 (October 2005), the USPTO Board of Patent Appeals and Interferences ruled "that there is currently no judicially recognized 'technological arts' test to determine patent eligible subject matter under § 101." The Board also specifically indicated that the non-precedential decision of *Ex Parte Bowman* was not a binding decision. For this reason, it is respectfully requested that the rejection be withdrawn for lack of a foundation in the law.

On page 3 of the Office Action, claims 2-4 and 6-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 4,674,044 (Kalmus) in view of U.S. Pat. No. 6,012,046 (Lupien).

Kalmus is directed to a data processing apparatus which makes an automated trading market for one or more securities. According to Kalmus, the system retrieves the best obtaining bid and asked prices from a remote data base covering the ensemble of institutions or others making a market for the relevant securities. Data characterizing each security buy/sell order requested by a customer is supplied to the system. The order is qualified for execution by comparing its specific content fields with predetermined stored parameters.

Lupien is directed to a crossing network that matches buy and sell orders based on a satisfaction and quantity profile. The crossing network includes a number of trader terminals that can be used for entering orders. The orders are entered in the form of a satisfaction density profile that represents a degree of satisfaction to trade a particular instrument at various price and quantity combinations. According to Lupien, the matching process is anonymous.

According to the method of claim 6 of the present invention, for example, the feature of inhibiting display of orders is characterized by the following three actions:

- (1) allowing a client to specify that his/her current order be hidden from other clients
- (2) displaying all pending orders including the hidden order on a screen of the computer (i.e., the computer performing the claimed method), together with an indication of whether each pending order is specified as a hidden order or not

- (3) providing the other clients with information on all pending orders, including prices and volumes of the securities being traded, but excluding those of the hidden order.

Step (1) permits a client to specify his/her preference about whether to reveal or hide the order that he/she is going to place, as shown in FIG. 5. The computer receives details of an order, and step (2) enables the computer to display information on every pending order. Here, the screen shows whether each order is specified as a hidden order or not, as shown in FIG. 7. Step (3) allows the other clients to see order information such as the prices and volumes to the other clients, but they cannot see the hidden order, as depicted in FIG. 8.

On page 5 of the Office Action, the Examiner admits that Kalmus does not disclose "inhibiting the order from being displayed at a terminal involved in a third party." According to the Examiner, however, Lupien discloses, "various companies and exchanges operate computerized crossing networks, also called anonymous matching systems." See Office Action, page 5, lines 11-18.

The Examiner interprets Lupien's "CMC anonymously matches buy and sell orders" as a teaching of "inhibiting the order issued from being displayed" recited in claim 6. Applicants submit that in Lupien, one can buy or sell the securities anonymously (i.e., without revealing his/her name). However, in Lupien, at least the prices and volumes of pending orders are made open to traders in the market. Therefore, the order is not hidden, as the order can be in the present invention. Hence, claim 6 is patentable over the references.

Claims 10 and 11 are directed to a computer-readable medium and an apparatus having the same subject matter as claim 6. Therefore, claims 10 and 11 are patentable over the references. As currently amended claim 12 recites subject matter similar to that of claim 6, claim 12 is patentable over the references for at least the reason presented above for claim 6.

As the dependent claims depend from respective independent claims, the dependent claims are patentable over the references for at least the reasons presented for the independent claims.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.


If there are any additional fees associated with filing of this Amendment, please charge

the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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